MOTIONS TO DISMISS INFORMATION ON COLLECTION OF DATA

The following tables and graphs on motions to dismiss before and after *Twombly* and *Iqbal* are based on data collected electronically from the 94 district courts' docket entries. This information is not routinely included in the Administrative Office statistical reports for the courts. Though the data was reviewed for accuracy, some quality control steps that are part of the Administrative Office's reports were not applied. The electronically collected information is from the courts' docket entries, and the underlying docketed motions and orders were not read. As a result, if there are errors in the docket entry, those errors are in the data. The Federal Judicial Center is engaged in a study that will include reviewing underlying motions to dismiss and orders in a large number of randomly sampled cases, providing more information and an additional check on accuracy.

Certain information could not be collected electronically from the docket entries and is not reflected in the data. The data does not distinguish among the different types of motions to dismiss under Rule 12 of the Federal Rules of Civil Procedure. Though most motions to dismiss are filed under Rule 12(b)(6) for failure to state a claim on which relief can be granted, motions to dismiss filed under Rule 12(b)(1-5) and (7) are included in the data. The assumption is that the rate of motions to dismiss under Rule 12(b)(1-5) and (7) has remained stable during the period. The Federal Judicial Center study will include this information.

The data does not reveal whether motions to dismiss were granted with or without leave to amend, and, if with leave to amend, whether the case continued with an amended complaint. The Federal Judicial Center study will also include this information.

The courts do not rule on a significant number of motions to dismiss, often because the case settles without court intervention. Although the data includes the filing of these motions, the data does not include the disposition of these motions.

Finally, the data excludes Multi-District Litigation (MDL) cases.

Cases and Motions to Dismiss Filed From January 2007 through December 2009

						2007	-	-										200	10										2009						
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov Dec
CASES FILED	18,103	16,385	19,171	18,240	19,441	18,592	18,297	20,721	17,666	21,100	19,073	16,098	19,084	21,945	17,829	19,900	18,752	19,935	19,010	17,470	18,246	18,960	15,774	18,733	19,727	17,101	19,883	19,480	18,169	20,983	22,546	20,490	20,496	20,525	18,356 18,898
category	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov Dec
Personal Injury	1,936	1,931	2,089		2,672	1,732	1,786	2,465	1,675	2,177	2,295	1,539	2,005	6,096	1,636	1,715	2,237	3,765	2,139	1,706	2,003	1,663	1,515	2,348	1,482	1,599	2,218	1,984	1,843	3,053	4,163	3,145	3,418	3,310	3,186 2,565
Prisoner Petitions	4,665	3,928	4,734	4,576	4,593	4,787	4,877	4,746	4,191	5,020	4,293	3,969	5,188	4,531	4,796	4,964	4,308	4,430	4,664	4,230	4,185	4,470	3,599	4,421	4,298	4,072	4,602	4,603	4,172	4,661	4,695	4,283	4,216	4,212	3,693 4,192
Civil Rights Employment	1,114	967	1,049	974	1,132	1,177	1,098	1,181	1,146	1,185	1,047	1,083	1,041	999	957	1,088	1,108	1,183	1,196	1,107	1,245	1,250	1,014	1,220	966	1,014	1,135	1,243	1,094	1,299	1,261	1,224	1,312	1,201	1,101 1,26
Civil Rights Other	1,211	1,187	1,456	1,309	1,483	1,337	1,318	1,483	1,274	1,517	1,240	1,275	1,403	1,334	1,303	1,342	1,339	1,320	1,384	1,378	1,399	1,488	1,217	1,385	1,177	1,349	1,433	1,364	1,269	1,459	1,595	1,311	1,439	1,419	1,275 1,32
Civil Rights ADA	148	164	205	183	188	214	184	214	228	209	202	180	220	219	232	197	202	250	294	222	252	295	203	308	245	251	292	232	246	275	323	281	295	275	259 283
Antitrust	38	63	82	40	28	39	26	31	57	42	29	34	58	76	115	70	126	43	48	48	53	37	52	30	36	59	75	49	41	60	63	48	47	58	50 29
Patent	212	192	266	218	274	285	214	230	221	302	247	201	225	250	236	265	237	244	233	213	196	237	174	246	217	214	285	267	234	213	249	221	233	222	213 228
Labor Laws	1,374	1,284	1,490	1,295	1,397	1,390	1,403	1,449	1,174	1,475	1,250	1,235	1,425	1,400	1,406	1,505	1,370	1,426	1,517	1,274	1,397	1,473	1,236	1,323	1,549	1,338	1,687	1,530	1,346	1,458	1,566	1,695	1,476	1,585	1,354 1,430
Contracts	2,538	2,143	2,654	3,338	2,602	2,614	2,541	3,366	2,728	3,672	3,654	2,470	2,751	2,360	2,368	3,725	2,683	2,524	2,506	2,594	2,786	2,962	2,374	2,802	5,182	2,679	2,939	2,846	2,674	2,852	2,878	2,728	2,677	2,811	2,339 2,474
All Others	4,867	4,526	5,146	4,638	5,072	5,017	4,850	5,556	4,972	5,501	4,816	4,112	4,768	4,680	4,780	5,029	5,142	4,750	5,029	4,698	4,730	5,085	4,390	4,650	4,575	4,526	5,217	5,362	5,250	5,653	5,753	5,554	5,383	5,432	4,886 5,113
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	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov Dec
MOT. DISMISS	6,103	5,529	6,564	6,508	6,688	6,413	6,240	6,879	5,781	6,759	6,295	5,663	6,663	6,736	6,636	6,827	6,623	7,062	6,831	6,399	6,322	7,029	6,144	6,648	6,631	6,200	7,121	7,118	7,689	7,620	8,105	7,344	7,378	7,539	7,016 7,274
category	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov Dec
Personal Injury	571	610	738	630	667	731	609	694	523	631	625	466	615	653	560	707	557	648	678	571	598	621	647	623	554	545	621	631	1,484	699	973	749	727	694	693 650
Prisoner Petitions	963	884	1,032	1,214	1,163	1,018	1,021	1,058	883	1,043	918	939	1,028	916	956	963	961	974	984	997	971	1,097	808	902	929	846	919	940	945	985	1,027	968	955	945	862 920
Civil Rights Employment	582	474	528	517	503	482	500	544	410	521	496	415	502	455	493	479	478	483	482	468	484	541	462	535	470	471	515	534	493	581	573	524	579	542	465 532
Civil Rights Other	839	809	941	909	925	895	834	845	866	854	911	745	946	862	954	1,002	964	904	1,011	932	984	956	809	879	909	845	962	901	892	976	1,028	897	921	910	831 1,000
Civil Rights ADA	79	69	67	64	76	77	62	82	72	78	63	60	81	71	59	89	101	102	89	66	92	95	74	98	82	78	93	88	72	85	105	106	109	99	92 102
Antitrust/Patent	141	126	154	128	114	187	170	162	155	160	146	173	164	150	153	164	185	158	172	187	193	164	168	167	169	181	186	206	173	192	210	182	168	175	169 195
Labor Laws	351	297	311	319	317	380	326	364	315	360	343	281	363	302	367	358	372	325	363	372	320	352	314	349	315	345	351	337	329	365	402	374	378	479	342 429
Contracts	1,128	912	1,222	1,183	1,210	1,101	1,153	1,249	1,069	1,394	1,217	1,146	1,358	1,194	1,265	1,303	1,309	1,374	1,291	1,138	1,140	1,338	1,144	1,188	1,167	1,144	1,443	1,452	1,383	1,489	1,692	1,379	1,412	1,494	1,549 1,326
All Others	1,449	1,348	1,571	1,544	1,713	1,542	1,565	1,881	1,488	1,718	1,576	1,438	1,606	2,133	1,829	1,762	1,696	2,094	1,761	1,668	1,540	1,865	1,718	1,907	2,036	1,745	2,031	2,029	1,918	2,248	2,095	2,165	2,129	2,201	2,013 2,120
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov Dec
GRANTED	2,316	2,132	2,871	2,122	2,341	2,301	2,295	2,405	2,394	2,392	2,224	1,891	2,496	2,415	3,049	2,530	2,315	2,461	2,732	2,531	2,535	2,380	1,976	2,265	2,422	2,290	3,309	2,520	2,363	2,871	2,926	2,824	3,054	2,788	2,444 2,585
category	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov Dec
Personal Injury	330	281	334	267	284	309	282	269	257	293	256	219	274	259	258	307	249	276	290	249	266	327	233	250	287	253	327	298	225	333	282	257	298	277	313 314
Prisoner Petitions	299	367	475	271	325	258	329	354	411	297	265	243	319	355	529	273	289	289	344	364	406	287	242	248	345	346	499	265	275	287	322	379	497	267	256 300
Civil Rights Employment	207	167	251	208	200	155	183	184	161	180	154	129	160	164	189	160	162	187	183	164	177	161	144	177	161	160	195	166	163	230	199	198	195	204	153 151
Civil Rights Other	294	303	426	308	354	358	274	310	332	265	293	202	331	282	420	289	300	347	332	342	402	296	281	307	318	335	443	287	301	336	358	382	373	316	323 28:
Civil Rights ADA										205																				330	330			37	38 4
	30	20	33		36	26	24	26	28	36	16	16	29	28	22	28	37	39	30	26	27	35	23	29	29	24	39	39	35	38	51	29	30	3/	30 43
Antitrust		20 9				26 8	24 18	26 17				16 5									27 4	35 9	23	29 9	29 8	24	39 21	39 6	35 6			29 16	30 9	15	6 3
	30	20 9 55		30 14 52	36	26 8 46			28	36 14 61		16 5 46	29			28			30		27 4 61	35 9 49	2 59	29 9 64	29 8 63	24 2 70		39 6 96	6 78	38 5 74	51		30 9 67	15 77	6 70
Antitrust	30 8	9	33 7	30 14 52	36 11	8	18	17	28 17	36 14	16 3	16 5 46 88	29 5	28 6	22 3	28 5	37 9	39 7	30 15	26 5	4	9	2	29 9 64 124	8	2	21	6	6	38 5	51 13	16	9	15	6
Antitrust Patent	30 8 45 118 394	9 55 89 330	33 7 28 120 545	30 14 52 107 385	36 11 39 112 452	8 46 104 414	18 72 91 436	17 52 97 478	28 17 42 114 401	36 14 61 122 483	16 3 44 105 457	16 5 46 88 401	29 5 61 128 549	28 6 44 113 523	22 3 44 139 581	28 5 58 139 534	37 9 43 101 518	39 7 57 124 530	30 15 57 126 671	26 5 141 121 504	4 61 121 438	9 49 113 497	2 59 87 426	29 9 64 124 497	8 63 118 502	70 123 413	21 87 137 668	6 96 101 528	6 78 102 481	38 5 74 112 605	51 13 74 119 673	16 79 99 587	9 67 118 524	15 77 126 632	6 70 69 70 125 18 428 50
Antitrust Patent Labor Laws	30 8 45 118	9 55 89	33 7 28 120	30 14 52 107	36 11 39 112	8 46 104	18 72 91	17 52 97	28 17 42 114	36 14 61 122	16 3 44 105	16 5 46 88 401 542	29 5 61 128	28 6 44 113	22 3 44 139	28 5 58 139	37 9 43 101	39 7 57 124	30 15 57 126	26 5 141 121	4 61 121	9 49 113	2 59 87	29 9 64 124 497 560	8 63 118	70 123	21 87 137	6 96 101	6 78 102	38 5 74 112	51 13 74 119	16 79 99	9 67 118	15 77 126	6 70 69 70 125 183
Antitrust Patent Labor Laws Contracts	30 8 45 118 394	9 55 89 330	33 7 28 120 545	30 14 52 107 385	36 11 39 112 452	8 46 104 414	18 72 91 436	17 52 97 478	28 17 42 114 401	36 14 61 122 483	16 3 44 105 457		29 5 61 128 549	28 6 44 113 523	22 3 44 139 581	28 5 58 139 534	37 9 43 101 518	39 7 57 124 530	30 15 57 126 671	26 5 141 121 504	4 61 121 438	9 49 113 497	2 59 87 426	29 9 64 124 497 560	8 63 118 502	70 123 413	21 87 137 668	6 96 101 528	6 78 102 481	38 5 74 112 605	51 13 74 119 673	16 79 99 587	9 67 118 524	15 77 126 632	6 70 69 70 125 18 428 50
Antitrust Patent Labor Laws Contracts	30 8 45 118 394	9 55 89 330	33 7 28 120 545	30 14 52 107 385	36 11 39 112 452	8 46 104 414	18 72 91 436	17 52 97 478	28 17 42 114 401	36 14 61 122 483	16 3 44 105 457		29 5 61 128 549	28 6 44 113 523	22 3 44 139 581	28 5 58 139 534	37 9 43 101 518	39 7 57 124 530	30 15 57 126 671	26 5 141 121 504	4 61 121 438	9 49 113 497	2 59 87 426	29 9 64 124 497 560	8 63 118 502	70 123 413	21 87 137 668	6 96 101 528	6 78 102 481	38 5 74 112 605	51 13 74 119 673	16 79 99 587	9 67 118 524	15 77 126 632	6 70 69 70 125 18 428 50
Antitrust Patent Labor Laws Contracts	30 8 45 118 394 591	9 55 89 330 511	33 7 28 120 545 652	30 14 52 107 385 480	36 11 39 112 452 528	8 46 104 414 623	18 72 91 436 586	17 52 97 478 618	28 17 42 114 401 631	36 14 61 122 483 641	16 3 44 105 457 631	542	29 5 61 128 549 640	28 6 44 113 523 641	22 3 44 139 581 864	28 5 58 139 534 737	37 9 43 101 518 607	39 7 57 124 530 605	30 15 57 126 671 684	26 5 141 121 504 615	4 61 121 438 633	9 49 113 497 606	2 59 87 426 479		8 63 118 502 591	2 70 123 413 564	21 87 137 668 893	6 96 101 528 734	6 78 102 481 697	38 5 74 112 605 851	51 13 74 119 673 835	16 79 99 587 798	9 67 118 524 943	15 77 126 632 837	6 7 69 70 125 18: 428 50: 733 73!
Antitrust Patent Labor Laws Contracts All Others	30 8 45 118 394 591	9 55 89 330 511	33 7 28 120 545 652	30 14 52 107 385 480	36 11 39 112 452 528	8 46 104 414 623	18 72 91 436 586	17 52 97 478 618	28 17 42 114 401 631	36 14 61 122 483 641	16 3 44 105 457 631	542 Dec	29 5 61 128 549 640	28 6 44 113 523 641	22 3 44 139 581 864	28 5 58 139 534 737	37 9 43 101 518 607	39 7 57 124 530 605	30 15 57 126 671 684	26 5 141 121 504 615	4 61 121 438 633	9 49 113 497 606	2 59 87 426 479	Dec	8 63 118 502 591	2 70 123 413 564	21 87 137 668 893	6 96 101 528 734	6 78 102 481 697	38 5 74 112 605 851	51 13 74 119 673 835	16 79 99 587 798	9 67 118 524 943	15 77 126 632 837	6 70 70 125 183 428 500 733 735 Nov Dec
Antitrust Patent Labor Laws Contracts All Others	30 8 45 118 394 591 Jan 853	9 55 89 330 511 Feb	33 7 28 120 545 652 Mar 1,229	30 14 52 107 385 480 Apr	36 11 39 112 452 528 May	8 46 104 414 623 Jun 800	18 72 91 436 586 Jul 844	17 52 97 478 618 Aug 952	28 17 42 114 401 631 Sep 1,071	36 14 61 122 483 641 Oct	16 3 44 105 457 631 Nov	542 Dec 701	29 5 61 128 549 640 Jan 952	28 6 44 113 523 641 Feb	22 3 44 139 581 864 Mar 1,680	28 5 58 139 534 737 Apr 844	37 9 43 101 518 607 May	39 7 57 124 530 605 Jun 811	30 15 57 126 671 684 Jul 959	26 5 141 121 504 615 Aug	4 61 121 438 633 Sep 1,148	9 49 113 497 606 Oct	2 59 87 426 479 Nov 653	Dec 823	8 63 118 502 591 Jan 890	2 70 123 413 564 Feb	21 87 137 668 893 Mar 1,276	6 96 101 528 734 Apr 889	6 78 102 481 697 May	38 5 74 112 605 851 Jun 1,011	51 13 74 119 673 835 Jul 1,033	16 79 99 587 798 Aug 1,019	9 67 118 524 943 Sep 1,310	15 77 126 632 837 Oct	6 : 69 77 18: 428 50: 733 73: Nov Dec 914 92:
Antitrust Patent Labor Laws Contracts All Others DENIED category	30 8 45 118 394 591 Jan 853 Jan	9 55 89 330 511 Feb 819	33 7 28 120 545 652 Mar 1,229 Mar	30 14 52 107 385 480 Apr 746 Apr	36 11 39 112 452 528 May 914 May	8 46 104 414 623 Jun 800 Jun	18 72 91 436 586 Jul 844 Jul	17 52 97 478 618 Aug 952 Aug	28 17 42 114 401 631 Sep 1,071 Sep	36 14 61 122 483 641 Oct 784	16 3 44 105 457 631 Nov 753	542 Dec 701	29 5 61 128 549 640 Jan 952 Jan	28 6 44 113 523 641 Feb 888 Feb	22 3 44 139 581 864 Mar 1,680 Mar	28 5 58 139 534 737 Apr 844 Apr	37 9 43 101 518 607 May 807 May	39 7 57 124 530 605 Jun 811 Jun	30 15 57 126 671 684 Jul 959	26 5 141 121 504 615 Aug 919	4 61 121 438 633 Sep 1,148	9 49 113 497 606 Oct 821 Oct	2 59 87 426 479 Nov 653	Dec 823	8 63 118 502 591 Jan 890 Jan	2 70 123 413 564 Feb 920 Feb	21 87 137 668 893 Mar 1,276 Mar	6 96 101 528 734 Apr 889 Apr	6 78 102 481 697 May 856 May	38 5 74 112 605 851 Jun 1,011 Jun	51 13 74 119 673 835 Jul 1,033 Jul	16 79 99 587 798 Aug 1,019	9 67 118 524 943 Sep 1,310	15 77 126 632 837 Oct 882	6 70 70 125 183 428 500 733 733 735 Nov Dec 914 922 Nov Dec
Antitrust Patent Labor Laws Contracts All Others DENIED Category Personal Injury	30 8 45 118 394 591 Jan 853 Jan 64	9 55 89 330 511 Feb 819 Feb	33 7 28 120 545 652 Mar 1,229 Mar	30 14 52 107 385 480 Apr 746 Apr	36 11 39 112 452 528 May 914 May	8 46 104 414 623 Jun 800 Jun 75	18 72 91 436 586 Jul 844 Jul 56	17 52 97 478 618 Aug 952 Aug	28 17 42 114 401 631 Sep 1,071 Sep	36 14 61 122 483 641 Oct 784 Oct	16 3 44 105 457 631 Nov 753 Nov	542 Dec 701 Dec 58	29 5 61 128 549 640 Jan 952 Jan	28 6 44 113 523 641 Feb 888 Feb	22 3 44 139 581 864 Mar 1,680 Mar	28 5 58 139 534 737 Apr 844 Apr	37 9 43 101 518 607 May 807 May 68	39 7 57 124 530 605 Jun 811 Jun 73	30 15 57 126 671 684 Jul 959 Jul 84	26 5 141 121 504 615 Aug 919 Aug	4 61 121 438 633 Sep 1,148 Sep	9 49 113 497 606 Oct 821 Oct	2 59 87 426 479 Nov 653 Nov	Dec 823	8 63 118 502 591 Jan 890 Jan	2 70 123 413 564 Feb 920 Feb	21 87 137 668 893 Mar 1,276 Mar	6 96 101 528 734 Apr 889 Apr	6 78 102 481 697 May 856 May 88	38 5 74 112 605 851 Jun 1,011 Jun 73 127 89	51 13 74 119 673 835 Jul 1,033 Jul 81	16 79 99 587 798 Aug 1,019 Aug	9 67 118 524 943 Sep 1,310 Sep 97 258 86	15 77 126 632 837 Oct 882 Oct 86 88	6 7 7 7 7 7 8 7 7 8 7 8 7 8 7 8 7 8 7 8
Antitrust Patent Labor Laws Contracts All Others DENIED Category Personal injury Prisoner Petitions	30 8 45 118 394 591 Jan 853 Jan 64 108	9 55 89 330 511 Feb 819 Feb 71 128	33 7 28 120 545 652 Mar 1,229 Mar 107	30 14 52 107 385 480 Apr 746 Apr 85 83 60 119	36 11 39 112 452 528 May 914 May 79	8 46 104 414 623 Jun 800 Jun 75 101	18 72 91 436 586 Jul 844 Jul 56 118	17 52 97 478 618 Aug 952 Aug 76	28 17 42 114 401 631 Sep 1,071 Sep 70 170	36 14 61 122 483 641 Oct 784 Oct 43 94	16 3 44 105 457 631 Nov 753 Nov 58 76	542 Dec 701 Dec 58 79	29 5 61 128 549 640 Jan 952 Jan 79	28 6 44 113 523 641 Feb 888 Feb 81	22 3 44 139 581 864 Mar 1,680 Mar 116 188	28 5 58 139 534 737 Apr 844 Apr 77 81	37 9 43 101 518 607 May 807 May 68 62	39 7 57 124 530 605 Jun 811 Jun 73	30 15 57 126 671 684 Jul 959 Jul 84 144	26 5 141 121 504 615 Aug 919 Aug 73 132 73 123	4 61 121 438 633 Sep 1,148 Sep 103 160 86 135	9 49 113 497 606 Oct 821 Oct 79 92	2 59 87 426 479 Nov 653 Nov 46 80	Dec 823	8 63 118 502 591 Jan 890 Jan 70	2 70 123 413 564 Feb 920 Feb 79 107	21 87 137 668 893 Mar 1,276 Mar 94 183 93 169	6 96 101 528 734 Apr 889 Apr 85 99 71 95	6 78 102 481 697 May 856 May 88 115	38 5 74 112 605 851 Jun 1,011 Jun 73 127	51 13 74 119 673 835 Jul 1,033 Jul 81 135 90 134	16 79 99 587 798 Aug 1,019 Aug 74 114	9 67 118 524 943 Sep 1,310 Sep 97 258 86 124	15 77 126 632 837 Oct 882 Oct 86 88	6 6 7 7 6 9 7 7 125 18 5 7 3 7 3 7 3 7 3 7 3 7 3 7 3 7 3 7 3 7
Antitrust Patent Labor Laws Contracts All Others DENIED Category Personal Injury Prisoner Petitions Civil Rights Employment	30 8 45 118 394 591 Jan 853 Jan 108	9 55 89 330 511 Feb 819 Feb 71 128	33 7 28 120 545 652 Mar 1,229 Mar 107 177	30 14 52 107 385 480 Apr 746 Apr 85 83 60	36 11 39 112 452 528 May 914 May 79 105 96	8 46 104 414 623 Jun 800 Jun 75 101 73	18 72 91 436 586 Jul 844 Jul 56 118	17 52 97 478 618 Aug 952 Aug 76 120	28 17 42 114 401 631 Sep 1,071 Sep 70 170 95	36 14 61 122 483 641 Oct 784 Oct 43 94 68	16 3 44 105 457 631 Nov 753 Nov 58 76 65	542 Dec 701 Dec 58 79 54	29 5 61 128 549 640 Jan 952 Jan 79 131	28 6 44 113 523 641 Feb 888 Feb 81 115	22 3 44 139 581 864 Mar 1,680 Mar 116 188 75	28 5 58 139 534 737 Apr 844 Apr 77 81 83	37 9 43 101 518 607 May 807 May 68 62 74	39 7 57 124 530 605 Jun 811 Jun 73 95	30 15 57 126 671 684 Jul 959 Jul 84 144 87	26 5 141 121 504 615 Aug 919 Aug 73 132 73	4 61 121 438 633 Sep 1,148 Sep 103 160 86	9 49 113 497 606 Oct 821 Oct 79 92 66	2 59 87 426 479 Nov 653 Nov 46 80 62	Dec 823	8 63 118 502 591 Jan 890 Jan 70 111	2 70 123 413 564 Feb 920 Feb 79 107	21 87 137 668 893 Mar 1,276 Mar 94 183	6 96 101 528 734 Apr 889 Apr 85 99 71	6 78 102 481 697 May 856 May 88 115	38 5 74 112 605 851 Jun 1,011 Jun 73 127 89	51 13 74 119 673 835 Jul 1,033 Jul 81 135 90	16 79 99 587 798 Aug 1,019 Aug 74 114 75	9 67 118 524 943 Sep 1,310 Sep 97 258 86	15 77 126 632 837 Oct 882 Oct 86 88	6 7 69 77 125 183 428 500 733 733 735 Nov Dec 914 92: Nov Dec 65 65 65 96 100 92 77
Antitrust Patent Labor Laws Contracts All Others DENIED category Personal Injury Prisoner Petitions Civil Rights Employment Civil Rights Other	30 8 45 118 394 591 Jan 853 Jan 108	9 55 89 330 511 Feb 819 Feb 71 128 73 101	33 7 28 120 545 652 Mar 1,229 Mar 107 177 95	30 14 52 107 385 480 Apr 746 Apr 85 83 60 119	36 11 39 112 452 528 May 914 May 79 105 96	8 46 104 414 623 Jun 800 Jun 75 101 73 109	18 72 91 436 586 Jul 844 Jul 56 118	17 52 97 478 618 Aug 952 Aug 76 120	28 17 42 114 401 631 Sep 1,071 Sep 70 170 95	36 14 61 122 483 641 Oct 784 Oct 43 94 68 115	16 3 44 105 457 631 Nov 753 Nov 58 76 65	542 Dec 701 Dec 58 79 54	29 5 61 128 549 640 Jan 952 Jan 79 131	28 6 44 113 523 641 Feb 888 Feb 81 115	22 3 44 139 581 864 Mar 1,680 Mar 116 188 75	28 5 58 139 534 737 Apr 844 Apr 77 81 83	37 9 43 101 518 607 May 807 May 68 62 74 129	39 7 57 124 530 605 Jun 811 Jun 73 95 71	30 15 57 126 671 684 Jul 959 Jul 84 144 87	26 5 141 121 504 615 Aug 919 Aug 73 132 73 123	4 61 121 438 633 Sep 1,148 Sep 103 160 86 135	9 49 113 497 606 Oct 821 Oct 79 92 66 83	2 59 87 426 479 Nov 653 Nov 46 80 62	Dec 823	8 63 118 502 591 Jan 890 Jan 70 111	2 70 123 413 564 Feb 920 Feb 79 107 72	21 87 137 668 893 Mar 1,276 Mar 94 183 93 169	6 96 101 528 734 Apr 889 Apr 85 99 71 95	6 78 102 481 697 May 856 May 88 115 71	38 5 74 112 605 851 Jun 1,011 Jun 73 127 89	51 13 74 119 673 835 Jul 1,033 Jul 81 135 90 134	16 79 99 587 798 Aug 1,019 Aug 74 114 75	9 67 118 524 943 Sep 1,310 Sep 97 258 86 124	15 77 126 632 837 Oct 882 Oct 86 88 76 123	6 7 125 18: 12
Antitrust Patent Labor Laws Contracts All Others DENIED Category Personal Injury Prisoner Petitions Civil Rights Employment Civil Rights Other Civil Rights ADA	30 8 45 118 394 591 Jan 853 Jan 108	9 55 89 330 511 Feb 819 Feb 71 128 73 101	33 7 28 120 545 652 Mar 1,229 Mar 107 177 95	30 14 52 107 385 480 Apr 746 Apr 85 83 60 119	36 11 39 112 452 528 May 914 May 79 105 96	8 46 104 414 623 Jun 800 Jun 75 101 73 109	18 72 91 436 586 Jul 844 Jul 56 118	17 52 97 478 618 Aug 952 Aug 76 120	28 17 42 114 401 631 Sep 1,071 Sep 70 170 95	36 14 61 122 483 641 Oct 784 Oct 43 94 68 115	16 3 44 105 457 631 Nov 753 Nov 58 76 65	542 Dec 701 Dec 58 79 54	29 5 61 128 549 640 Jan 952 Jan 79 131	28 6 44 113 523 641 Feb 888 Feb 81 115 72 132	22 3 44 139 581 864 Mar 1,680 Mar 116 188 75	28 5 58 139 534 737 Apr 844 Apr 77 81 83 128 6	37 9 43 101 518 607 May 807 May 68 62 74 129	39 7 57 124 530 605 Jun 811 Jun 73 95 71	30 15 57 126 671 684 Jul 959 Jul 84 144 87	26 5 141 121 504 615 Aug 919 Aug 73 132 73 123	4 61 121 438 633 Sep 1,148 Sep 103 160 86 135	9 49 113 497 606 Oct 821 Oct 79 92 66 83	2 59 87 426 479 Nov 653 Nov 46 80 62	Dec 823	8 63 118 502 591 Jan 890 Jan 70 111	2 70 123 413 564 Feb 920 Feb 79 107 72	21 87 137 668 893 Mar 1,276 Mar 94 183 93 169	6 96 101 528 734 Apr 889 Apr 85 99 71 95	6 78 102 481 697 May 856 May 88 115 71	38 5 74 112 605 851 Jun 1,011 Jun 73 127 89	51 13 74 119 673 835 Jul 1,033 Jul 81 135 90 134	16 79 99 587 798 Aug 1,019 Aug 74 114 75	9 67 118 524 943 Sep 1,310 Sep 97 258 86 124	15 77 126 632 837 Oct 882 Oct 86 88 76 123	6 7 7 125 18: 3
Antitrust Patent Labor Laws Contracts All Others DENIED Category Personal Injury Prisoner Petitions Civil Rights Employment Civil Rights Other Civil Rights ADA Antitrust	30 8 45 118 394 591 Jan 853 Jan 64 108 99 119 8	99 55 89 330 511 Feb 819 Feb 71 128 73 101 4	33 7 28 120 545 652 Mar 1,229 Mar 107 177 95 190 10	30 14 52 107 385 480 Apr 746 Apr 85 83 60 119	36 11 39 112 452 528 May 914 May 79 105 96 113 8	8 46 104 414 623 Jun 800 Jun 75 101 73 109 10 3	18 72 91 436 586 Jul 844 Jul 56 118 89 93 91	17 52 97 478 618 Aug 952 Aug 76 120 91 112 9	28 17 42 114 401 631 Sep 1,071 Sep 70 170 95 134 8	36 14 61 122 483 641 Oct 784 Oct 43 94 68 115 4	16 3 44 105 457 631 Nov 753 Nov 58 76 65 78 8	542 Dec 701 Dec 58 79 54 112 7	29 5 61 128 549 640 Jan 952 Jan 79 131 77	28 6 44 113 523 641 Feb 888 Feb 81 115 72 132	22 3 44 139 581 864 Mar 1,680 Mar 116 188 75 155 11	28 5 58 139 534 737 Apr 844 Apr 77 81 83 128 6	37 9 43 101 518 607 May 807 May 68 62 74 129	39 7 57 124 530 605 Jun 811 Jun 73 95 71 104 13 8	30 15 57 126 671 684 Jul 959 Jul 84 144 87 122	26 5 141 121 504 615 Aug 919 Aug 73 132 73 123 123 5	4 61 121 438 633 Sep 1,148 Sep 103 160 86 135 17	9 49 113 497 606 Oct 821 Oct 79 92 66 83 20	2 59 87 426 479 Nov 653 Nov 46 80 62	Dec 823	8 63 118 502 591 Jan 890 Jan 70 111 73 141 7 5	2 70 123 413 564 Feb 920 Feb 79 107 72 122 21	21 87 137 668 893 Mar 1,276 Mar 94 183 93 169 12	6 96 101 528 734 Apr 889 Apr 85 99 71 95 17	6 78 102 481 697 May 856 May 88 115 71 103 18	38 5 74 112 605 851 Jun 1,011 Jun 73 127 89 130 9	51 13 74 119 673 835 Jul 1,033 Jul 81 135 90 134 12	16 79 99 587 798 Aug 1,019 Aug 74 114 75 113 5	9 67 118 524 943 Sep 1,310 Sep 97 258 86 124 19	15 77 126 632 837 Oct 882 Oct 86 88 76 123 14	6 7 125 18: 12
Antitrust Patent Labor Laws Contracts All Others DENIED Category Personal Injury Personal Injury Prisoner Petitions Civil Rights Employment Civil Rights Other Civil Rights ADA Antitrust Patent	30 8 45 1188 394 591 Jan 64 1088 99 119 8 6 6	9 55 89 330 511 Feb 819 Feb 71 128 73 101 100 4	33 7 28 120 545 652 Mar 1,229 Mar 107 177 95 190 6	30 14 52 107 385 480 Apr 746 Apr 85 83 60 119 10	36 11 39 112 452 528 May 914 May 79 105 96 113 8	8 46 104 414 623 Jun 800 Jun 75 101 73 109 10 3 13	18 72 91 436 586 Jul 844 Jul 118 89 93 91 116	17 52 97 478 618 Aug 952 Aug 76 120 91 112 9 7 23	28 17 42 114 401 631 Sep 1,071 Sep 70 170 95 134 8	36 14 61 122 483 641 Oct 784 Oct 43 94 68 115 4	16 3 44 105 457 631 Nov 753 Nov 58 76 65 78 8 8 3 18	542 Dec 701 Dec 58 79 54 112 7	29 5 61 128 549 640 Jan 952 Jan 79 131 177 128 7	28 6 44 113 523 641 Feb 888 Feb 115 72 132 5 4	22 3 44 139 581 864 1,680 Mar 116 188 75 155 11	28 5 58 139 534 737 Apr 844 Apr 77 81 83 128 6 11	37 9 43 101 518 607 May 807 May 68 62 74 129 10 3	39 7 57 124 530 605 Jun 811 Jun 73 95 71 104 13 8	30 15 57 126 671 684 Jul 959 Jul 84 144 87 122 14	26 5 141 121 504 615 Aug 919 Aug 73 132 73 123 123 5 20	4 61 121 438 633 Sep 1,148 Sep 103 160 86 135 17 4	9 49 113 497 606 Oct 821 Oct 79 92 66 83 20 -	2 59 87 426 479 Nov 653 Nov 46 80 62 62 8 8	Dec 823	8 63 118 502 591 Jan 890 Jan 111 73 141 7 5 20	2 70 123 413 564 Feb 920 Feb 107 72 122 21 3	21 87 137 668 893 Mar 1,276 Mar 94 183 93 169 12 28	6 96 101 528 734 Apr 889 Apr 85 99 71 95 17	6 78 102 481 697 May 856 May 115 71 103 18 6	38 5 74 112 605 851 Jun 1,011 Jun 73 127 89 130 9 5	51 13 74 119 673 835 Jul 1,033 Jul 81 135 90 134 12 12 13 13 13 23	16 79 99 587 798 Aug 1,019 Aug 74 114 75 113 5 6 28	9 67 118 524 943 Sep 1,310 Sep 97 258 86 124 19 5	15 77 126 632 837 Oct 882 Oct 86 88 76 123 14 4	6 7 69 77 125 18: 428 50: 733 73: 73: 73: 73: 73: 73: 73: 73: 73
Antitrust Patent Labor Laws Contracts All Others DENIED Category Personal Injury Prisoner Petitions Civil Rights Employment Civil Rights Other Civil Rights ADA Antitrust Patent Labor Laws	30 8 45 118 394 591 Jan 853 Jan 108 99 119 8 6 6 20 0	99 55 89 330 511 Feb 819 Feb 71 128 73 101 4 48 53 166	33 7 28 120 545 652 Mar 1,229 Mar 107 177 95 190 10 6	30 14 52 107 385 480 Apr 746 Apr 85 85 119 10 11 10 11 10	36 11 39 112 452 528 May 914 May 79 105 96 113 8 10 19 66	8 46 104 414 623 Jun 800 Jun 75 101 73 109 10 3 13	18 72 91 436 586 Jul 844 Jul 566 118 89 93 9 1 16 42	17 52 97 478 618 Aug 952 Aug 76 120 91 112 9 7 23	28 17 42 114 401 631 Sep 1,071 Sep 70 170 95 134 8 4 44	36 14 61 122 483 641 Oct 784 Oct 43 94 68 115 4 5	16 3 44 105 457 631 Nov 753 Nov 58 76 65 78 8 3 18	542 Dec 701 Dec 58 79 54 112 7	29 5 61 128 549 640 Jan 952 Jan 79 131 77 128 7	28 6 44 113 523 641 Feb 888 Feb 115 72 132 5 4 20	22 3 44 139 581 864 Mar 1,680 Mar 116 188 75 155 111 7	28 5 58 139 534 737 Apr 844 Apr 77 81 83 128 6 111 120	37 9 43 101 518 607 May 807 May 68 62 74 129 10 3 19 53	39 7 57 124 530 605 Jun 811 Jun 73 95 71 104 13 8 8 14	30 15 57 126 671 684 Jul 959 Jul 84 144 27 122 14 2 177	26 5 141 121 504 615 Aug 919 Aug 73 132 73 123 123 12 50 61	4 61 121 438 633 Sep 1,148 Sep 100 86 135 17 4 34	9 49 113 497 606 Oct 821 Oct 79 92 66 83 20	2 59 87 426 479 Nov 653 Nov 46 80 62 62 62 8 4	Dec 823	8 63 118 502 591 Jan 890 Jan 70 70 111 73 141 7 5 5 20	2 70 123 413 564 Feb 920 Feb 79 107 72 122 21 3 20	21 87 137 668 893 Mar 1,276 Mar 94 183 93 169 12 28	6 96 101 528 734 Apr 889 Apr 85 99 71 95 17 2 11	6 78 102 481 697 May 856 May 88 115 71 103 18 6	38 5 74 112 605 851 Jun 1,011 Jun 73 127 89 130 9 5	51 13 74 119 673 835 Jul 1,033 Jul 81 135 90 134 12 13 12 13 59	16 79 99 587 798 Aug 1,019 Aug 74 114 75 113 5 6 28 66	9 67 118 524 943 Sep 1,310 Sep 97 258 86 124 19 5	15 77 126 632 837 Oct 882 Oct 86 88 76 123 14 4 4 4 12 62	6 7 6 9 77 125 18: 428 50: 733 73: 73: 73: 73: 73: 73: 73: 73: 73

^{1.} Data includes motions to dismiss filed under Rule 12(b)(1)-(7) in cases filed from January 2007 through December 2009. Rule 12(b)(6) motions to dismiss cannot be broken out in this data.

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Cases and Motions to Dismiss Filed From January 2007 through December 2009

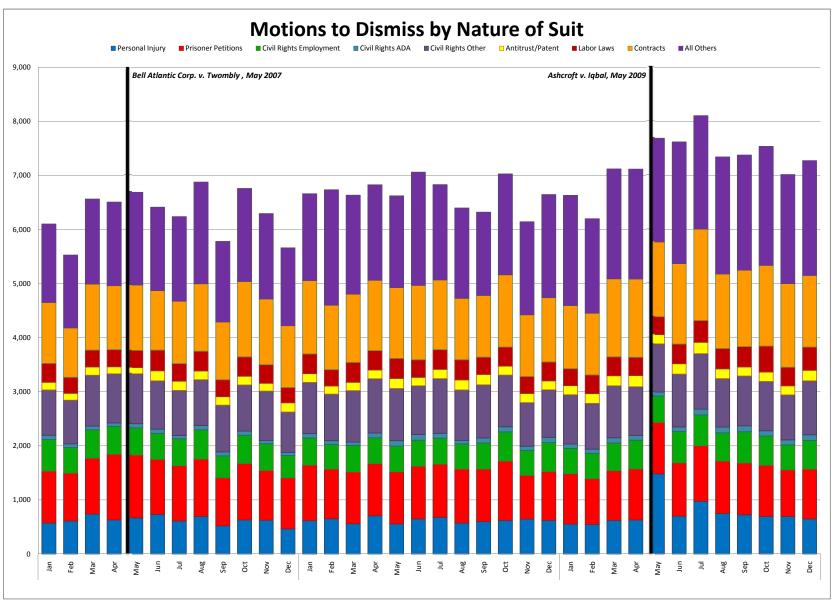
	2007											2008																2009							
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov Dec
MOOT	252	236	349	249	266	218	260	333	259	260	214	204	314	285	298	368	315	267	293	257	334	268	213	278	275	306	390	333	322	357	410	356	467	347	309 3
category	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov Dec
Personal Injury	25	17	24	21	21	37	33	28	15	19	27	12	38	23	19	33	29	32	31	21	27	27	13	24	32	29	36	23	39	38	21	27	19	15	33
Prisoner Petitions	24	36	29	22	16	15	23	35	33	35	23	14	36	35	41	26	32	37	32	28	35	26	18	21	27	19	32	32	38	28	40	28	49	37	24
Civil Rights Employment	27	28	38	27	33	21	21	20	22	23	21	20	39	23	27	35	14	21	25	17	23	23	17	26	32	35	39	23	36	26	32	37	43	29	30
Civil Rights Other	43	33	62	41	44	35	47	46	47	43	36	43	56	47	64	51	61	48	49	53	67	58	33	57	50	51	72	55	64	71	67	53	81	56	38
Civil Rights ADA	3	3	10	2	2	2	7	6	4	2	3	1	1	3	4	2	7	4	1	6	3	3	3	2	7	4	1	8	1	2	3	2	6	9	8
Antitrust	2	-	-	-	-	-	8	8	3	2	1	-	1	-	-	-	-	-	-	1	20	2	3	2	-	-	-	2	2	2	-	-	6	10	4
Patent	13	6	2	1	4 -	-	5	14	4	3	3	4	2	2	4	7	1	2	7	1	11	5	5	6	6	11	4	3	2	3	14	16	3	8	8
Labor Laws	12	11	23	17	21	13	9	17	18	11	9	12	9	21	16	18	17	11	14	18	13	22	27	16	23	20	17	31	14	20	25	29	29	20	11
Contracts	47	45	62	48	40	50	39	68	34	53	36	45	60	55	48	121	66	42	63	39	47	42	33	52	48	45	84	62	59	72	81	52	95	69	60
All Others	56	57	99	70	85	45	68	91	79	69	55	53	72	76	75	75	88	70	71	73	88	60	61	72	50	92	105	94	67	95	127	112	136	94	93
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov Dec
GRANTED IN PART AND																																			
DENIED IN PART	371	263	586	250	319	295	299	356	390	285	286	226	299	335	545	296	325	315	342	390	470	330	271	358	303	371	586	287	377	428	435	438	563	405	400 3
category	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov Dec
Personal Injury	22	26	30	17	18	9	19	23	15	21	11	22	16	21	28	20	16	29	19	32	30	25	10	19	16	20	28	9	13	18	22	20	22	24	24
Prisoner Petitions	42	32	65	14	21	27	27	31	64	20	22	17	42	32	73	20	45	29	33	64	58	17	28	17	27	50	81	24	34	36	51	39	103	36	35
Civil Rights Employment	58	46	71	49	40	43	39	44	38	48	26	28	45	52	69	44	43	44	49	48	50	35	29	40	43	44	63	46	32	56	40	56	51	36	44
Civil Rights Other	73	50	153	55	97	74	65	72	77	60	74	52	54	69	122	58	52	65	58	63	91	72	55	59	70	77	152	58	62	100	84	77	91	89	64
Civil Rights ADA	6	6	6	1	2	5	2	8	5	3	3	4	9	3	12	7	5	3	6	2	7	9	5	5	9	3	20	9	7	3	8	5	8	4	7
Antitrust	3	3	3	2	3	3	-	5	3	1	3	-	-	1	3	-	1	1	2	11	2	2	3	-	5	3	4	3	2	3	-	3	1	1	5
Patent	5	3	2	5	-	3	3	4	6	5	6	1	3	5	5	3	5	4	6	20	7	9	5	11	5	6	5	6	3	5	3	8	10	5	4
Labor Laws	25	11	26	15	21	7	19	15	21	20	19	12	14	19	20	12	17	19	19	13	18	14	17	17	17	16	30	16	11	15	31	25	32	16	22
Contracts	69	45	103	37	51	53	54	66	60	49	51	47	44	67	74	54	50	57	80	52	74	76	44	49	45	52	87	58	103	86	79	73	88	83	64
All Others	68	41	127	55	66	71	71	88	101	58	71	43	72	66	139	78	91	64	70	85	133	71	75	141	66	100	116	58	110	106	117	132	157	111	131
	Jan	Feb	Mar	Apr	Mav	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Mav	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	Mav	Jun	Jul	Aug	Sep	Oct	Nov Dec

^{1.} Data includes motions to dismiss filed under Rule 12(b)(1)-(7) in cases filed from January 2007 through December 2009. Rule 12(b)(6) motions to dismiss cannot be broken out in this data.

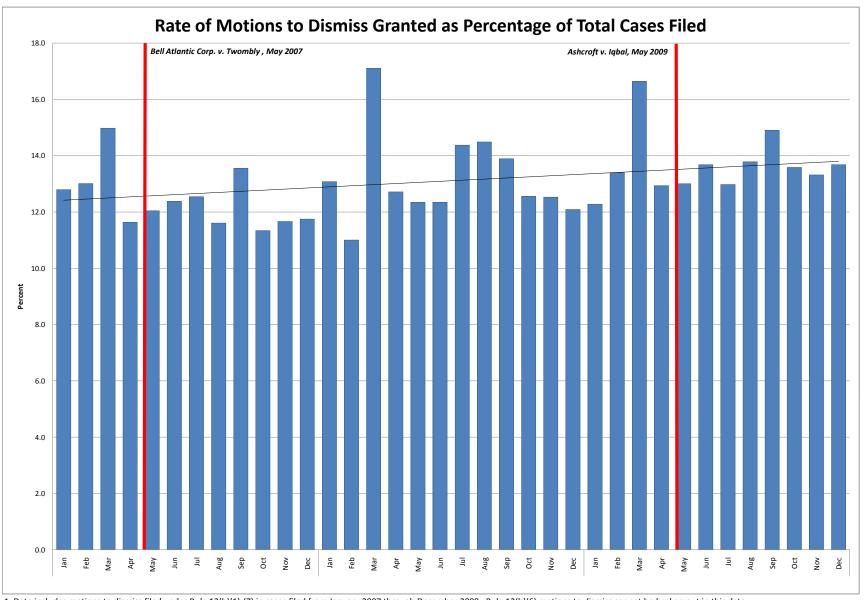
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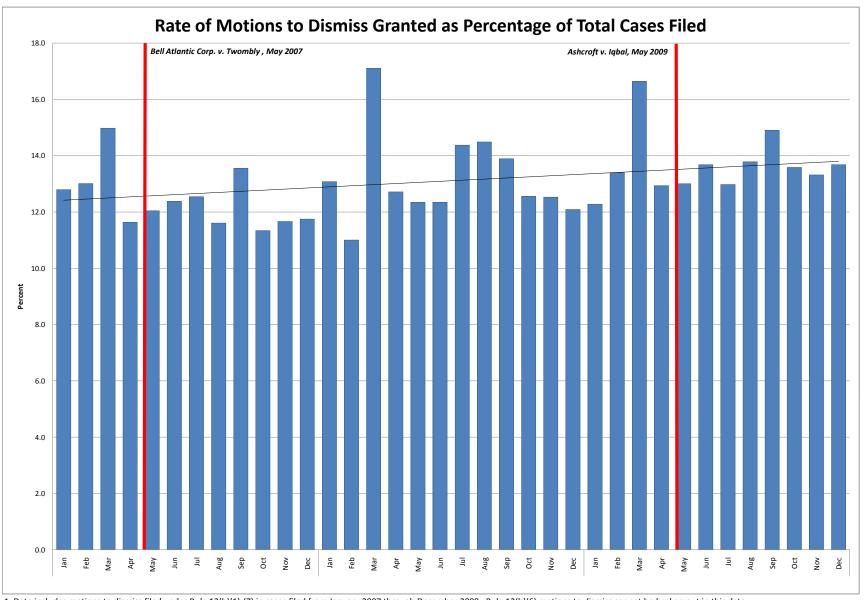
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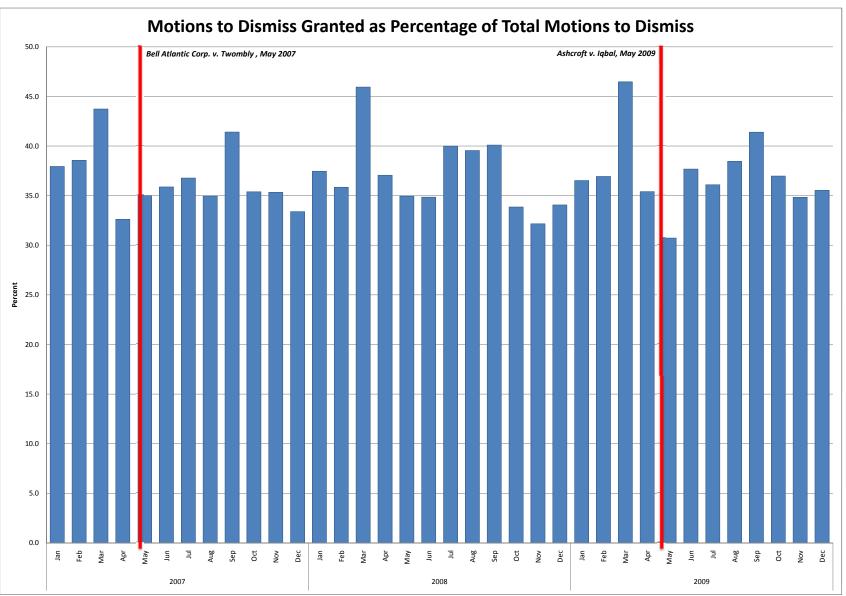
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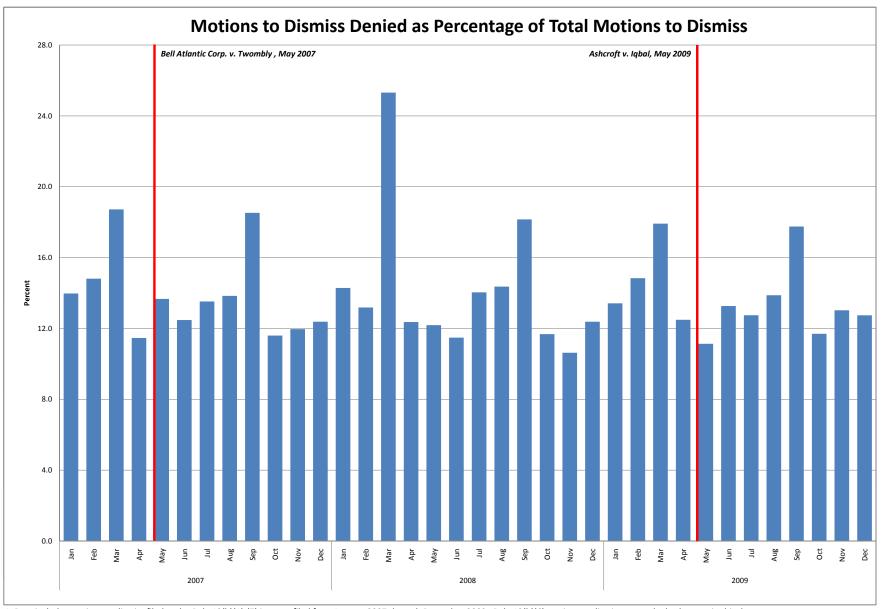
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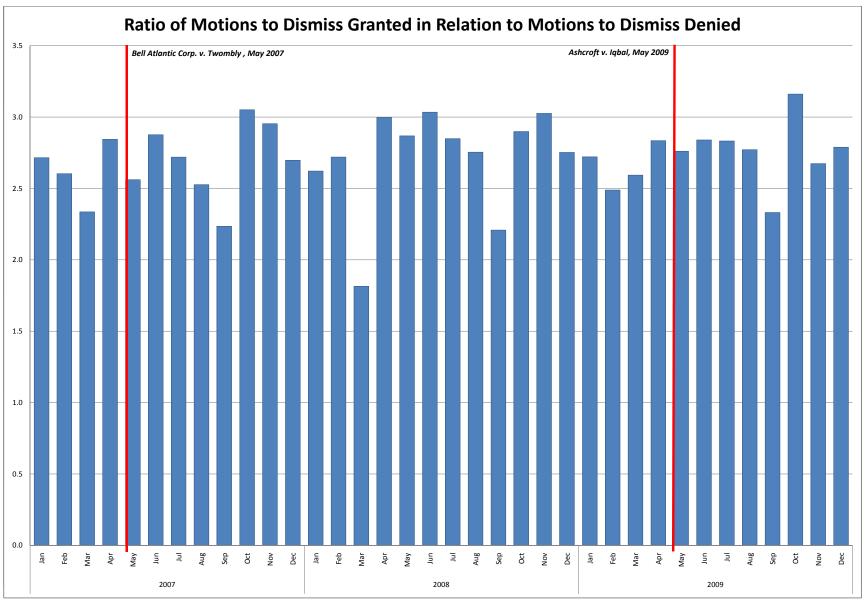
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MOTIONS TO DISMISS IN "CIVIL RIGHTS EMPLOYMENT CASES" AND "CIVIL RIGHTS OTHER CASES" PRE-TWOMBLY (OCTOBER 2006 - APRIL 2007) AND POST-IQBAL (JUNE - DECEMBER 2009)*

Civil Rights Employment Cases

Monthly Average for Seven Months before Twombly

1,101 cases

523 motions to dismiss (48% of cases)

190 motions granted (17% of cases)

77 motions denied (7% of cases)

Monthly Average for Seven Months after Igbal

1,237 cases

542 motions to dismiss (44% of cases)

190 motions granted (15% of cases)

83 motions denied (7% of cases)

Civil Rights Other Cases

Monthly Average for Seven Months before *Twombly*

1,314 cases

878 motions to dismiss (67% of cases)

304 motions granted (23% of cases)

131 motions denied (10% of cases)

Monthly Average for Seven Months after Iqbal

1,403 cases

938 motions to dismiss (67% of cases)

338 motions granted (24% of cases)

112 motions denied (8% of cases)

^{* 1.} Data includes motions to dismiss filed under Rule 12(b)(1)-(7) in cases filed seven months before *Twombly* and seven months after *Iqbal*.

^{2.} Does not include data on whether motions to dismiss were granted with or without leave to amend.

^{3.} Data does not include motions to dismiss that were granted in part and denied in part.

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